

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

ALAN A. PETERSON,)
)
Petitioner,) Civil Action No.: 2:08-cv-40-WKW
v.)
)
DARLENE A. DREW, Warden,)
)
Respondent.)

THIRD MOTION FOR EXTENSION OF TIME TO FILE RESPONSE

COMES NOW, Respondent, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama and respectfully requests a 10-day extension of time, to and until Friday, May 16, 2008, in which to respond to the Court's Order entered March 3, 2008, and as grounds states as follows:

1. Agency counsel assigned to this matter has been out of the office April 28, 2008 through May 1, 2008, due to an unexpected illness. Further, agency counsel will be out of the office the remainder of this week due to the same. As such, she has been unable to finalize and forward the litigation report to the undersigned as anticipated.
2. The undersigned's ability to properly respond to petitioner's claims is wholly dependent on information received from agency council, namely the litigation report.
3. Given the Petitioner's status, no attempts have been made to determine his position on this request.

WHEREFORE, given the foregoing, the undersigned respectfully requests an additional ten (10) days, to and including Friday, May 16, 2008, within which to file a response to the petition.

LEURA G. CANARY
United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on May 1, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and I hereby certify that I have mailed, by United States Postal Service, a copy of same to the following non-CM/ECF participant(s):

Allan A. Petersen
Reg. No. 03533-094
Montgomery Federal Prison Camp
Inmate Mail/Parcels
Maxwell Air Force Base
Montgomery, AL 36112

s/R. Randolph Neeley
Assistant United States Attorney